



General Assembly

**Substitute Bill No. 5713**

January Session, 2007

\* \_\_\_\_\_ HB05713PD \_\_\_\_\_ 032307 \_\_\_\_\_ \*

**AN ACT CONCERNING THE PRESERVATION OF HISTORIC BARNS  
AND AGRICULTURAL STRUCTURES, THE DEFINITION OF  
UNIMPROVED LAND AND THE LOCATION OF FARMSTANDS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 8-2 of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective July*  
3 *1, 2007*):

4 (a) The zoning commission of each city, town or borough is  
5 authorized to regulate, within the limits of such municipality, the  
6 height, number of stories and size of buildings and other structures;  
7 the percentage of the area of the lot that may be occupied; the size of  
8 yards, courts and other open spaces; the density of population and the  
9 location and use of buildings, structures and land for trade, industry,  
10 residence or other purposes, including water-dependent uses as  
11 defined in section 22a-93, and the height, size and location of  
12 advertising signs and billboards. Such bulk regulations may allow for  
13 cluster development as defined in section 8-18. Such zoning  
14 commission may divide the municipality into districts of such number,  
15 shape and area as may be best suited to carry out the purposes of this  
16 chapter; and, within such districts, it may regulate the erection,  
17 construction, reconstruction, alteration or use of buildings or  
18 structures and the use of land. All such regulations shall be uniform

19 for each class or kind of buildings, structures or use of land throughout  
20 each district, but the regulations in one district may differ from those  
21 in another district, and may provide that certain classes or kinds of  
22 buildings, structures or uses of land are permitted only after obtaining  
23 a special permit or special exception from a zoning commission,  
24 planning commission, combined planning and zoning commission or  
25 zoning board of appeals, whichever commission or board the  
26 regulations may, notwithstanding any special act to the contrary,  
27 designate, subject to standards set forth in the regulations and to  
28 conditions necessary to protect the public health, safety, convenience  
29 and property values. Such regulations shall be made in accordance  
30 with a comprehensive plan and in adopting such regulations the  
31 commission shall consider the plan of conservation and development  
32 prepared under section 8-23, as amended by this act. Such regulations  
33 shall be designed to lessen congestion in the streets; to secure safety  
34 from fire, panic, flood and other dangers; to promote health and the  
35 general welfare; to provide adequate light and air; to prevent the  
36 overcrowding of land; to avoid undue concentration of population and  
37 to facilitate the adequate provision for transportation, water, sewerage,  
38 schools, parks and other public requirements. Such regulations shall be  
39 made with reasonable consideration as to the character of the district  
40 and its peculiar suitability for particular uses and with a view to  
41 conserving the value of buildings and encouraging the most  
42 appropriate use of land throughout such municipality. Such  
43 regulations may, to the extent consistent with soil types, terrain,  
44 infrastructure capacity and the plan of conservation and development  
45 for the community, provide for cluster development, as defined in  
46 section 8-18, in residential zones. Such regulations shall also encourage  
47 the development of housing opportunities, including opportunities for  
48 multifamily dwellings, consistent with soil types, terrain and  
49 infrastructure capacity, for all residents of the municipality and the  
50 planning region in which the municipality is located, as designated by  
51 the Secretary of the Office of Policy and Management under section  
52 16a-4a. Such regulations shall also promote housing choice and  
53 economic diversity in housing, including housing for both low and

54 moderate income households, and shall encourage the development of  
55 housing which will meet the housing needs identified in the housing  
56 plan prepared pursuant to section 8-37t and in the housing component  
57 and the other components of the state plan of conservation and  
58 development prepared pursuant to section 16a-26. Zoning regulations  
59 shall be made with reasonable consideration for their impact on  
60 agriculture. Zoning regulations may be made with reasonable  
61 consideration for the protection of historic factors, including the  
62 protection of historic barns and agricultural structures that are more  
63 than fifty years old, and shall be made with reasonable consideration  
64 for the protection of existing and potential public surface and ground  
65 drinking water supplies. On and after July 1, 1985, the regulations shall  
66 provide that proper provision be made for soil erosion and sediment  
67 control pursuant to section 22a-329. Such regulations may also  
68 encourage energy-efficient patterns of development, the use of solar  
69 and other renewable forms of energy, and energy conservation. The  
70 regulations may also provide for incentives for developers who use  
71 passive solar energy techniques, as defined in subsection (b) of section  
72 8-25, in planning a residential subdivision development. The  
73 incentives may include, but not be limited to, cluster development,  
74 higher density development and performance standards for roads,  
75 sidewalks and underground facilities in the subdivision. Such  
76 regulations may provide for a municipal system for the creation of  
77 development rights and the permanent transfer of such development  
78 rights, which may include a system for the variance of density limits in  
79 connection with any such transfer. Such regulations may also provide  
80 for notice requirements in addition to those required by this chapter.  
81 Such regulations may provide for conditions on operations to collect  
82 spring water or well water, as defined in section 21a-150, including the  
83 time, place and manner of such operations. No such regulations shall  
84 prohibit the operation of any family day care home or group day care  
85 home in a residential zone. Such regulations shall not impose  
86 conditions and requirements on manufactured homes having as their  
87 narrowest dimension twenty-two feet or more and built in accordance  
88 with federal manufactured home construction and safety standards or

89 on lots containing such manufactured homes which are substantially  
90 different from conditions and requirements imposed on single-family  
91 dwellings and lots containing single-family dwellings. Such  
92 regulations shall not impose conditions and requirements on  
93 developments to be occupied by manufactured homes having as their  
94 narrowest dimension twenty-two feet or more and built in accordance  
95 with federal manufactured home construction and safety standards  
96 which are substantially different from conditions and requirements  
97 imposed on multifamily dwellings, lots containing multifamily  
98 dwellings, cluster developments or planned unit developments. Such  
99 regulations shall not prohibit the continuance of any nonconforming  
100 use, building or structure existing at the time of the adoption of such  
101 regulations. Such regulations shall not provide for the termination of  
102 any nonconforming use solely as a result of nonuse for a specified  
103 period of time without regard to the intent of the property owner to  
104 maintain that use. Any city, town or borough which adopts the  
105 provisions of this chapter may, by vote of its legislative body, exempt  
106 municipal property from the regulations prescribed by the zoning  
107 commission of such city, town or borough; but unless it is so voted  
108 municipal property shall be subject to such regulations.

109 Sec. 2. Subsection (c) of section 8-23 of the general statutes is  
110 repealed and the following is substituted in lieu thereof (*Effective July*  
111 *1, 2007*):

112 (c) In preparing such plan, the commission or any special committee  
113 shall consider the following: (1) The community development action  
114 plan of the municipality, if any, (2) the need for affordable housing, (3)  
115 the need for protection of existing and potential public surface and  
116 ground drinking water supplies, (4) the use of cluster development  
117 and other development patterns to the extent consistent with soil  
118 types, terrain and infrastructure capacity within the municipality, (5)  
119 the state plan of conservation and development adopted pursuant to  
120 chapter 297, (6) the regional plan of development adopted pursuant to  
121 section 8-35a, (7) physical, social, economic and governmental

122 conditions and trends, (8) the needs of the municipality including, but  
123 not limited to, human resources, education, health, housing, recreation,  
124 social services, public utilities, public protection, transportation and  
125 circulation and cultural and interpersonal communications, (9) the  
126 objectives of energy-efficient patterns of development, the use of solar  
127 and other renewable forms of energy and energy conservation, and  
128 (10) protection and preservation of agriculture. The plan may  
129 encourage the preservation of historic barns and agricultural structures  
130 that are more than fifty years old in order to maintain the historic rural  
131 character of the state's landscape, sustain agricultural traditions and  
132 provide an attractive scenic environment for work and recreation.

133 Sec. 3. Subsection (a) of section 10-409 of the general statutes is  
134 repealed and the following is substituted in lieu thereof (*Effective July*  
135 *1, 2007*):

136 (a) With respect to historical preservation, there is established  
137 within the Connecticut Commission on Culture and Tourism,  
138 established under section 10-392, an Historic Preservation Council. The  
139 Historic Preservation Council shall consist of twelve members to be  
140 appointed by the Governor. On or before January fifth in the even-  
141 numbered years, the Governor shall appoint six members for terms of  
142 four years each to replace those whose terms expire. One of such  
143 members shall be the State Historian and one shall be the State  
144 Archaeologist. Members shall be appointed in accordance with the  
145 provisions of section 4-9a. No member shall serve for more than two  
146 consecutive full terms. Any member who fails to attend three  
147 consecutive meetings or who fails to attend fifty per cent of all  
148 meetings held during any calendar year shall be deemed to have  
149 resigned from office. The Governor shall biennially designate one  
150 member of the council to be chairperson. The Governor shall fill any  
151 vacancy for any unexpired portion of the term and may remove any  
152 member as provided by section 4-12. No compensation shall be  
153 received by the members of the council but they shall be reimbursed  
154 for their necessary expenses. The Connecticut Commission on Culture

155 and Tourism may, with the advice of the Historic Preservation  
156 Council, (1) study and investigate historic structures and landmarks,  
157 including historic barns and agricultural structures that are more than  
158 fifty years old, in this state and encourage and recommend the  
159 development, preservation and marking of such historic structures and  
160 landmarks found to have educational, recreational and historical  
161 significance; (2) prepare, adopt and maintain standards for a state  
162 register of historic places; (3) update and keep current the state historic  
163 preservation plan; (4) administer the National Register of Historic  
164 Places Program; (5) assist owners of historic structures in seeking  
165 federal or other aid for historic preservation and related purposes; (6)  
166 recommend to the General Assembly the placing and maintaining of  
167 suitable markers, memorials or monuments or other edifices to  
168 designate historic structures and landmarks found to have historical  
169 significance; (7) make recommendations to the General Assembly  
170 regarding the development and preservation of historic structures and  
171 landmarks owned by the state; (8) maintain a program of historical,  
172 architectural, and archaeological research and development including  
173 surveys, excavation, scientific recording, interpretation and publication  
174 of the historical, architectural, archaeological and cultural resources of  
175 the state; (9) cooperate with promotional, patriotic, educational and  
176 research groups and associations, with local, state and national  
177 historical societies, associations and commissions, with agencies of the  
178 state and its political subdivisions and with the federal government, in  
179 promoting and publicizing the historical heritage of Connecticut; (10)  
180 formulate standards and criteria to guide the several municipalities in  
181 the evaluation, delineation and establishment of historic districts; (11)  
182 cooperate with the State Building Inspector, the Codes and Standards  
183 Committee and other building officials and render advisory opinions  
184 and prepare documentation regarding the application of the State  
185 Building Code to historic structures and landmarks if requested by  
186 owners of historic structures and landmarks, the State Building  
187 Inspector, the Codes and Standards Committee or other building  
188 officials; (12) review planned state and federal actions to determine  
189 their impact on historic structures and landmarks; (13) operate the

190 Henry Whitfield House of Guilford, otherwise known as the Old Stone  
191 House, as a state historical museum and, in its discretion, charge a fee  
192 for admission to said museum and account for and deposit the same as  
193 provided in section 4-32; (14) provide technical and financial assistance  
194 to carry out the purposes of this section and sections 10-410 to 10-416,  
195 inclusive; (15) adopt regulations in accordance with the provisions of  
196 chapter 54 for the preservation of sacred sites and archaeological sites;  
197 and (16) inventory state lands to identify sacred sites and  
198 archaeological sites. The commission shall study the feasibility of  
199 establishing a state museum of Connecticut history at an appropriate  
200 existing facility. The Historic Preservation Council shall (A) review  
201 and approve or disapprove requests by owners of historic properties  
202 on which the commission holds preservation easements to perform  
203 rehabilitation work on sacred sites and archaeological sites; (B) request  
204 the assistance of the Attorney General to prevent the unreasonable  
205 destruction of historic properties pursuant to the provisions of section  
206 22a-19a; and (C) place and maintain suitable markers, memorials or  
207 monuments to designate sites or places found to have historic  
208 significance. The council shall meet monthly. The Connecticut Trust  
209 for Historic Preservation may provide technical assistance to the  
210 council.

211 Sec. 4. (NEW) (*Effective October 1, 2007, and applicable to assessment*  
212 *years commencing on or after October 1, 2007*) (a) As used in this section,  
213 "historic barn or agriculture structure" means a barn or other structure,  
214 that is more than fifty years old, including the land necessary for the  
215 function of the barn or structure, currently or formerly used for  
216 agricultural purposes.

217 (b) The legislative body of any municipality may, by ordinance,  
218 exempt from property taxation any historic barn or agriculture  
219 structure.

220 (c) The exemption provided for in this section shall not apply to a  
221 building which is exempt from taxation pursuant to the provisions of  
222 subsection (b) of section 12-91 of the general statutes, as amended by

223 this act.

224 Sec. 5. Section 12-91 of the general statutes is repealed and the  
225 following is substituted in lieu thereof (*Effective October 1, 2007, and*  
226 *applicable to assessment years commencing on or after October 1, 2007*):

227 (a) All farm machinery, except motor vehicles, as defined in section  
228 14-1, to the value of one hundred thousand dollars, any horse or pony  
229 which is actually and exclusively used in farming, as defined in section  
230 1-1, when owned and kept in this state by, or when held in trust for,  
231 any farmer or group of farmers operating as a unit, a partnership or a  
232 corporation, a majority of the stock of which corporation is held by  
233 members of a family actively engaged in farm operations, shall be  
234 exempt from local property taxation; provided each such farmer,  
235 whether operating individually or as one of a group, partnership or  
236 corporation, shall qualify for such exemption in accordance with the  
237 standards set forth in subsection (d) of this section for the assessment  
238 year for which such exemption is sought. Only one such exemption  
239 shall be allowed to each such farmer, group of farmers, partnership or  
240 corporation. Subdivision (38) of section 12-81 shall not apply to any  
241 person, group, partnership or corporation receiving the exemption  
242 provided for in this subsection.

243 (b) Any municipality, upon approval by its legislative body, may  
244 provide an additional exemption from property tax for such  
245 machinery to the extent of an additional assessed value of one hundred  
246 thousand dollars. Any such exemption shall be subject to the same  
247 limitations as the exemption provided under subsection (a) of this  
248 section and the application and qualification process provided in  
249 subsection (d) of this section.

250 (c) Any municipality, upon approval by its legislative body, may  
251 provide an exemption from property tax for [any building] one or  
252 more buildings used actually and exclusively in farming, as defined in  
253 section 1-1, or for [any building] one or more buildings used to  
254 provide housing for seasonal employees of such farmer. The



255 municipality shall establish the amount of such exemption from the  
256 assessed value, provided such amount may not exceed one hundred  
257 thousand dollars with respect to each eligible building. Such  
258 exemption shall [not apply to the residence of such farmer and shall]  
259 be subject to the application and qualification process provided in  
260 subsection (d) of this section. The exemption provided for in this  
261 section shall not apply to the residence of such farmer or to an historic  
262 barn or agricultural structure which is exempt from taxation pursuant  
263 to an ordinance adopted by a municipality under section 4 of this act.

264 (d) Annually, [within] not later than thirty days after the assessment  
265 date in each town, city or borough, each such individual farmer, group  
266 of farmers, partnership or corporation shall make written application  
267 for the exemption provided for in subsection (a) of this section to the  
268 assessor or board of assessors in the town in which such farm is  
269 located, including therewith a notarized affidavit certifying that such  
270 farmer, individually or as part of a group, partnership or corporation,  
271 derived at least fifteen thousand dollars in gross sales from such  
272 farming operation, or incurred at least fifteen thousand dollars in  
273 expenses related to such farming operation, with respect to the most  
274 recently completed taxable year of such farmer prior to the  
275 commencement of the assessment year for which such application is  
276 made, on forms to be prescribed by the Commissioner of Agriculture.  
277 Failure to file such application in said manner and form within the  
278 time limit prescribed shall be considered a waiver of the right to such  
279 exemption for the assessment year. Any person aggrieved by any  
280 action of the assessors shall have the same rights and remedies for  
281 appeal and relief as are provided in the general statutes for taxpayers  
282 claiming to be aggrieved by the doings of the assessors or board of  
283 assessment appeals.

284 Sec. 6. (NEW) (*Effective July 1, 2007*) (a) The Connecticut  
285 Commission on Culture and Tourism, established pursuant to section  
286 10-392 of the general statutes, shall administer, in consultation with the  
287 Commissioner of Agriculture, a program of grants to owners of

288 historic barns or agricultural structures, as defined in section 4 of this  
289 act, for rehabilitation and repair of such structures. Grants shall be  
290 made through an assistance agreement signed by the owner.

291 (b) The commission may adopt regulations in accordance with the  
292 provisions of chapter 54 of the general statutes. Such regulations shall  
293 establish requirements for applications and criteria to be used in  
294 awarding grants under this section.

295 Sec. 7. Section 12-494 of the general statutes is repealed and the  
296 following is substituted in lieu thereof (*Effective October 1, 2007*):

297 (a) There is imposed a tax on each deed, instrument or writing,  
298 whereby any lands, tenements or other realty is granted, assigned,  
299 transferred or otherwise conveyed to, or vested in, the purchaser, or  
300 any other person by his direction, when the consideration for the  
301 interest or property conveyed equals or exceeds two thousand dollars,  
302 (1) subject to the provisions of subsection (b) of this section, at the rate  
303 of five-tenths of one per cent of the consideration for the interest in real  
304 property conveyed by such deed, instrument or writing, the revenue  
305 from which shall be remitted by the town clerk of the municipality in  
306 which such tax is paid, not later than ten days following receipt  
307 thereof, to the Commissioner of Revenue Services for deposit to the  
308 credit of the state General Fund, and (2) at the rate of one-fourth of one  
309 per cent of the consideration for the interest in real property conveyed  
310 by such deed, instrument or writing, and on and after July 1, 2007, at  
311 the rate of eleven one-hundredths of one per cent of the consideration  
312 for the interest in real property conveyed by such deed, instrument or  
313 writing, provided the amount imposed under this subdivision shall  
314 become part of the general revenue of the municipality in accordance  
315 with section 12-499.

316 (b) The rate of tax imposed under subdivision (1) of subsection (a) of  
317 this section shall, in lieu of the rate under said subdivision (1), be  
318 imposed on certain conveyances as follows: (1) In the case of any  
319 conveyance of real property which at the time of such conveyance is

320 used for any purpose other than residential use, except unimproved  
321 land, the tax under said subdivision (1) shall be imposed at the rate of  
322 one per cent of the consideration for the interest in real property  
323 conveyed; (2) in the case of any conveyance in which the real property  
324 conveyed is a residential estate, including a primary dwelling and any  
325 auxiliary housing or structures, regardless of the number of deeds,  
326 instruments or writings used to convey such residential real estate, for  
327 which the consideration or aggregate consideration, as the case may  
328 be, in such conveyance is eight hundred thousand dollars or more, the  
329 tax under said subdivision (1) shall be imposed (A) at the rate of one-  
330 half of one per cent on that portion of such consideration up to and  
331 including the amount of eight hundred thousand dollars, and (B) at the  
332 rate of one per cent on that portion of such consideration in excess of  
333 eight hundred thousand dollars; and (3) in the case of any conveyance  
334 in which real property on which mortgage payments have been  
335 delinquent for not less than six months is conveyed to a financial  
336 institution or its subsidiary which holds such a delinquent mortgage  
337 on such property, the tax under said subdivision (1) shall be imposed  
338 at the rate of one-half of one per cent of the consideration for the  
339 interest in real property conveyed. As used in this subsection,  
340 "unimproved land" includes farm land that has never been improved  
341 or farm land that was once improved but has not contained an intact  
342 structure for a period of at least ten years before the date of the  
343 conveyance.

344 (c) In addition to the tax imposed under subsection (a) of this  
345 section, any targeted investment community, as defined in section 32-  
346 222, or any municipality in which properties designated as  
347 manufacturing plants under section 32-75c are located, may, on or after  
348 March 15, 2003, impose an additional tax on each deed, instrument or  
349 writing, whereby any lands, tenements or other realty is granted,  
350 assigned, transferred or otherwise conveyed to, or vested in, the  
351 purchaser, or any other person by his direction, when the  
352 consideration for the interest or property conveyed equals or exceeds  
353 two thousand dollars, which additional tax shall be at a rate of up to

354 one-fourth of one per cent of the consideration for the interest in real  
 355 property conveyed by such deed, instrument or writing. The revenue  
 356 from such additional tax shall become part of the general revenue of  
 357 the municipality in accordance with section 12-499.

358 Sec. 8. (NEW) (*Effective October 1, 2007*) (a) No zoning regulation  
 359 adopted pursuant to section 8-2 of the general statutes, as amended by  
 360 this act, or any special act shall prohibit farming and farm stands in  
 361 any area which is zoned to allow structures containing one or more  
 362 dwelling units.

363 (b) As used in this section, "farm stand" means any structure, used  
 364 principally for the sale of agricultural products that is seasonally  
 365 occupied.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2007</i>	8-2(a)
Sec. 2	<i>July 1, 2007</i>	8-23(c)
Sec. 3	<i>July 1, 2007</i>	10-409(a)
Sec. 4	<i>October 1, 2007, and applicable to assessment years commencing on or after October 1, 2007</i>	New section
Sec. 5	<i>October 1, 2007, and applicable to assessment years commencing on or after October 1, 2007</i>	12-91
Sec. 6	<i>July 1, 2007</i>	New section
Sec. 7	<i>October 1, 2007</i>	12-494
Sec. 8	<i>October 1, 2007</i>	New section

**PD** Joint Favorable Subst.